

02-12-01

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PTO/SB/05 (08-00)

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J-1046 U.S. PRO
02/09/01

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 4446D1

First Inventor Joe Y.L. Lam et al.

Title NUCLEIC ACID LABELLED WITH EXTENDED RHODAMINE DYES

Express Mail Label No. EL 416 207 410 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)
2. Applicant claims small entity status
See 37 CFR 1.27.
3. Specification [Total Pages 95]
(preferred arrangement set forth below)
 - Descriptive title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. Drawing(s) (35 U.S.C. 113) [Total Sheets 0]
5. Oath or Declaration [Total Pages 3]
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 C.F.R. § 1.63(d))
(for continuation/divisional with Box 17 completed)

DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).
6. Application Data Sheet. See 37 CFR 1.76.

ADDRESS TO:Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. Computer Readable Copy (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies), or
 - ii. paper
 - c. Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & document(s))
10. 37 C.F.R. §3.73(b) Statement Power of Attorney
(when there is an assignee)
11. English Translation Document (if applicable)
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. Certified copy of Priority Document(s) (if foreign priority is claimed)
16. Other:
Other:

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76.

 Continuation Divisional Continuation-in-part (CIP) of prior application No. 09 / 325,243 filed June 3, 1999

Prior application information

Examiner R. Covington

Group Art Unit 1625

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a reference is inadvertently omitted from the submitted application parts.

18. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	(Insert Customer No. or Attach bar code label here)			<input type="checkbox"/> Correspondence address below
PATENT TRADEMARK OFFICE				
Name				
Address				
City	State	Zip Code		
Country	Telephone	Fax		

Name (Print/Type)	Alex Andrus	Registration No (Attorney/Agent)	44,509
Signature	<i>C. Alex</i>	Date	Feb. 8, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box 25102-1 Patent Application, Washington, DC 20231.

CERTIFICATION UNDER 37 CFR 1.10

Express Mail Number EL 416 207 410 USDate of Deposit Feb. 9, 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Box: Patent Application, Washington, D.C. 20231

PATTI SELAN

(Print Name of Person Mailing Application)

Patti Selan

(Signature of Person Mailing Application)

Docket No. 4446D1

Transmittal of Continuation Patent Application For Filing Under 37 CFR 1.53(b)



PRIOR APPLICATION: Examiner: R. Covington Art Unit: 1625

Assistant Commissioner for Patents
Box: Patent Application
Washington, D.C. 20231

Sir:

This is a request for filing a continuation divisional application under 37 CFR 1.53(b), of pending prior application serial no. 09 / 325,243 filed June 3, 1999 by Joe Y.L. Lam, Scott C. Benson and Steven M. Menchen entitled

Nucleic Acids Labelled With External Rhodamine Dyes

1. Enclosed are:

- One stamped, self-addressed postcard for PTO datestamp.
- Certificate of Express Mail.
- One utility patent application containing text pages 1 - 95 and
 - 0 sheets of formal informal drawings.
- Application Data Sheet.
- Copy of executed Declaration of Inventorship from parent application serial no. 09/325,243.
- Sequence Listing printout, Request to Use from prior application, and matching Declaration.
- A Preliminary Amendment.
- A new Power of Attorney.

2. Amendment

- Please enter the enclosed Preliminary Amendment before calculating the filing fee. It is understood that only amendments reducing the number of claims will be entered for this purpose.
- Please cancel original claims 1-45, inclusive, before calculating the filing fee. (At least one original independent claim should be retained for filing purposes.)
- Amend the specification by inserting before the first line the sentence: -- This application is a divisional / continuation of application serial no. _____ filed _____ which is a divisional / continuation of application serial no. _____ filed _____ . --

3. Extension of Time

- A petition for extension of time has been filed in the parent to extend the pendency of the parent to _____ (copy enclosed).
- Conditional Petition for Extension of Time: An Extension of Time is requested to provide for timely filing if required to establish copendency with the parent after all papers filed herewith have been considered.

4. Prior Documents Still in Effect

This application and parent application Serial No. 09/325,243 filed June 3, 1999 are assigned of record to The Perkin-Elmer Corporation.

Power of attorney in the above-identified prior application is to Alex Andrus, Reg. No. 44,509, and the other attorneys or agents identified therein.

5. Fees

The filing fee is calculated below taking into account any amendments in section 2 above:

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
TOTAL CLAIMS	30 - 20	10	X \$18	\$180.00
INDEPENDENT CLAIMS	1 - 3	0	X \$80	\$0.00
BASIC FEE				\$710.00
Multiple Dependency Fee If Applicable \$270.00				
Total				\$890.00
50% Reduction for Independent Inventor, Non-profit Organization or Small Business Concern				
TOTAL FILING FEE				\$890.00

The Commissioner is hereby authorized to charge the filing fee, any deficiency in fees under 37 CFR 1.16 and 1.17, or any other fees necessary for timely filing of this application, or credit any overpayment to Deposit Account No. 01-2213. A duplicate copy of this sheet is enclosed.

A check in the amount of \$ _____ is enclosed.

Filing fee to be submitted in response to anticipated receipt of Notice to File Missing Parts.
DO NOT CHARGE DEPOSIT ACCOUNT.

Respectfully submitted,



Alex Andrus, Reg. No. 44,509

Dated: Feb. 8, 2001

Correspondence Address:

Customer Number 22896
Applied Biosystems
Patent Department M/S 432-2
850 Lincoln Centre Drive
Foster City, California 94404
Telephone: 650-638-5607
Facsimile: 650-638-6677

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FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision

TOTAL AMOUNT OF PAYMENT (\$ 890)

Complete if Known

Application Number	To be assigned
Filing Date	February 9, 2001 (herewith)
First Named Inventor	Joe Y L Lam et al
Examiner Name	To be assigned
Group Art Unit	To be assigned

Attorney Docket No 4446D1

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to

Deposit Account Number 01-2213
Deposit Account Name Applied Biosystems

Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17
 Applicant claims small entity status See 37 CFR 1.27

2. Payment Enclosed:

Check Credit card Money Other Order

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code (\$)	Fee	Fee Code (\$)	Fee		
101	710	201	355	Utility filing fee	710
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$ 710)

2. EXTRA CLAIM FEES

	Extra Claims	Fee from below	Fee Paid
Total Claims	30	20** = 10 X 18	180
Independent Claims	1	3 ** = 0 X 0	0
Multiple Dependent			0

** or number previously paid, if greater. For Reissues, see below

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code (\$)	Fee	Fee Code (\$)	Fee		
103	18	203	9	Claims in excess of 20	
102	80	202	40	Independent claims in excess of 3	
104	270	204	135	Multiple dependent claim, if not paid	
109	80	209	40	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$ 180)

3. ADDITIONAL FEES	Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee	Fee Code (\$)	Fee	
105	130	205	65	Surcharge – late filing fee or oath
127	50	227	25	Surcharge – late provisional filing fee or cover sheet
139	130	139	130	Non-English specification
147	2520	147	2520	For filing a request for ex parte reexamination
112	920*	112	920*	Requesting publication of SIR prior to Examiner action
113	1840*	113	1840*	Requesting publication of SIR after Examiner action
115	110	215	55	Extension for reply within first month
116	390	216	195	Extension for reply within second month
117	890	217	445	Extension for reply within third month
118	1390	218	695	Extension for reply within fourth month
128	1890	228	945	Extension for reply within fifth month
119	310	219	155	Notice of Appeal
120	310	220	155	Filing a brief in support of an appeal
121	270	221	135	Request for oral hearing
138	1510	138	1510	Petition to institute a public use proceeding
140	110	240	55	Petition to revive – unavoidable
141	1240	241	620	Petition to revive – unintentional
142	1240	242	620	Utility issue fee (or reissue)
143	440	243	220	Design issue fee
144	600	244	300	Plant issue fee
122	130	122	130	Petitions to the Commissioner
123	50	123	50	Petitions related to provisional applications
126	180	126	180	Submission of Information Disclosure Stmt
581	40	581	40	Recording each patent assignment per property (times number of properties)
146	710	245	355	Filing a submission after final rejection (37 CFR 1.129(a))
149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))
179	710	279	355	Request for Continued Examination (RCE)
169	900	169	900	Request for expedited examination of a design application
Other fee (specify) _____				

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY		Complete (if applicable)		
Name (Print/Type)	Signature	Registration No (Attorney/Agent)	Telephone	Date
Alex Andrus	<i>Alex Andrus</i>	44,509	650-638-5607	Feb. 8, 2001

WARNING:

Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.